

## ***City Council Meeting Minutes***

**March 8, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**        ***Mayor Muckle, City Council members: Ashley Stolzmann, Dennis Maloney, Chris Leh, Susan Loo and Jay Keany***

**Absent:**                ***Mayor Pro Tem Jeff Lipton***

**Staff Present:**        ***Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Aaron DeJong, Director of Economic Development  
and Interim Planning & Building Safety Director  
Lauren Trice, Planner I  
Meredyth Muth, Public Relations Manager  
Carol Hanson, Acting City Clerk***

**Others Present:**    ***Kathleen Kelly, City Attorney***

### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and heard none. Council member Leh moved to approve the agenda, seconded by Council member Loo. All were in favor.  
Absent: Mayor Pro Tem Lipton

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

No comments.

## **APPROVAL OF THE CONSENT AGENDA**

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Maloney. All were in favor.

- A. Approval of Bills*
- B. Approval of Minutes: February 16, 2016*
- C. Approval of Contract for Kaiser Permanente Health Insurance*
- D. Reject Bids for Recreation Center Campus and Heritage Park A.D.A.*
- E. Restroom Improvements Projects*
- F. Approval of Interim Appointments to the Cultural Council*
- G. Approve Resolution No. 11, Series 2016 – A Resolution Approving and*
- H. Adopting of the Boulder County, Colorado Multi-Hazard Mitigation Plan*

## **2016 COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

No comments.

## **CITY MANAGER'S REPORT**

City Manager Fleming reported five candidates have been invited to participate in an assessment next week to choose a new Planning and Building Safety Director. He invited everyone to an open house to meet the candidates. It will be held at City Hall, 5:30 PM next Tuesday, March 15, 2016.

## **REGULAR BUSINESS**

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### **PRESENTATION OF THE COLORADO CITY AND COUNTY MANAGER'S ASSOCIATION MANAGER OF THE YEAR AWARD TO MALCOLM FLEMING**

Mayor Muckle introduced Jane Brautigam, City Manager for the City of Boulder. She noted she is representing the Colorado City and County Management Association for this presentation. She recalled some of City Manager Fleming's accomplishments this year including the repair to the Golf Course, the completion of a new City Services Building and the Diverging Diamond Interchange. She read a part of the letter sent to nominate City Manager Fleming and presented him with the Manager of the Year Award.

City Manager Fleming expressed his thanks for the recognition. He felt honored and humbled and noted it reflected the great staff surrounding him, the incredible support

and assistance from City Council, the terrific work done by all of City staff, and the residents who serve on Boards and Commissions and support the City in many ways.

### **NATIONAL NUTRITION MONTH PROCLAMATION**

Mayor Muckle read the proclamation and presented it to Katie Beasley from the Senior Services Staff.

Katie Beasley, Senior Services Staff, Tricia Morgan, Meal Site Coordinator, as well as Lesley Jackson from Coal Creek Meals on Wheels and Debbie Fahey were in attendance.

Supervisor Beasley reported National Nutrition Month® is a nutrition education and information campaign created annually in March by the Academy of Nutrition and Diabetics. The campaign focuses attention on the importance of making informed food choices and developing sound eating and physical activity habits.

Senior Services within Parks and Recreation and Coal Creek Meals on Wheels are helping promote the importance of making healthy nutrition choices for older adults during the congregate lunch at the Brooks Café at the Louisville Recreation/Senior Center and delivering meals at home.

In 2015, the Brooks Café Congregate Meal Site at the Recreation/Senior Center served 8,970 meals to older adults, compared to 8,056 meals served in 2014.

Lesley Jackson thanked Council for supporting Coal Creek Meals on Wheels. Coal Creek Meals on Wheels has moved to Josephine Commons and serves meal on site there as well as delivering. The meals provide not only nutrition but socialization. She noted they serve anyone in need, not just seniors.

### **UPDATE: ONE ACTION 2016: ARTS + IMMIGRATION PROJECT**

Mayor Muckle called for a staff presentation.

Suzanne Janssen, Cultural Arts and Special Events Coordinator introduced One Action Project Manager, Manuela Sifuentes who thanked Council for their support and encouraged the community to engage in the conversation about immigration through the upcoming events.

Cultural Arts and Special Events Coordinator Janssen reported on Saturday, January 23 the Longmont Museum hosted the One Action 2016: Arts + Immigration Project Kick-Off Celebration. This One Action 2016 Project is a yearlong, arts-based, countywide project that invites cultural, arts, immigrant and educational organizations to draw on their individual expertise to develop exhibitions, performances, presentations, music,

films, displays and readings designed to raise the level of community knowledge, awareness and engagement on this important topic.

#### Project Overview

With One Action 2016, the arts will be the vehicle to catalyze, engage, and inform county residents on the many facets of immigration and make this county more welcoming and inclusive. Toward this end, the project will:

- Create cross-discipline arts collaborations on immigration themes;
- Use the knowledge of immigrant organizations to inform project content;
- Develop a broad range of arts experiences designed to educate and engage the public in conversations on immigration; and
- Celebrate the cultural richness of local immigrant communities

Throughout the year, artists and arts organizations throughout Boulder County will present collaborative arts-based programs that foster conversations on the historic and contemporary issues of immigration. In Louisville, there are over a dozen programs scheduled as part of this arts initiative. The first event, *Rocks Karma Arrows* presented by the Louisville Cultural Council and the Motus Theater on February 17<sup>th</sup>, was shown to a sold-out, standing room only crowd.

Cultural Arts and Special Events Coordinator Janssen encouraged everyone to participate in the upcoming programs. Information can be found on the City's web site or at [one-action.org](http://one-action.org).

#### COUNCIL COMMENT

Council member Leh noted he attended the first part of the film *Rocks Karma Arrows* and found it very interesting and encouraged people to attend.

Cultural Arts and Special Events Coordinator Janssen noted it was not necessary to see part one of the film to enjoy the other parts.

Mayor Muckle noted this is appropriate for Louisville as it was founded by immigrants. He agreed the kick-off event was a great experience and thought the entire project was a wonderful undertaking.

#### **RESOLUTION NO. 12, SERIES 2016 – A RESOLUTION DESIGNATING THE MUDROCK HOUSE AT 613 GRANT AVENUE A HISTORIC LANDMARK**

Mayor Muckle called for a staff presentation.

Planner Trice described the property by first explaining the historical background of 613 Grant Avenue:

Constructed circa 1903  
Owned by the Mudrock family from 1903 until 1981  
The Mudrock family was originally from Slovakia and worked in the Louisville coal mines

**Architectural Integrity:**

Vernacular with Craftsman style elements  
Maintained form  
Porch enclosed  
Rear addition constructed in 1998

Staff has found this application complies with the criterion by the following:

*Architectural Significance - Exemplifies specific elements of an architectural style or period.*

The vernacular structure has elements of the Craftsman style including the battered porch foundation, square porch supports, and hipped roof.

*Social Significance - Exemplifies cultural, political, economic or social heritage of the community.*

The property is associated with the Mudrock family who lived at 613 Grant for 78 years.

The Historic Preservation Commission (HPC) held a public hearing on the application on February 8, 2016. The commission voted 5-0 to recommend approval of the landmark application to City Council. The HPC determined the structure had maintained significant architectural integrity and has a strong social history.

Staff recommends Council approve Resolution No. 12, Series 2016 designating the structure at 613 Grant Avenue (Mudrock House) a historic landmark.

Planner Trice noted the applicant was present. Sue Fisher, applicant, noted her personal investment and fondness for the house. She asked the landmarking be approved.

**COUNCIL COMMENT**

Council member Stolzmann thanked the applicant for coming forward to landmark this house. It meets the criteria and she was glad the HPC recommended it. Mayor Muckle agreed.

**MOTION:** Mayor Muckle moved Council approve Resolution No. 12, Series 2016, seconded by Council member Stolzmann. Roll call vote was taken. The motion carried 6-0. Absent: Mayor Pro Tem Lipton

## **DISCUSSION/DIRECTION/ACTION – 2016 CITIZEN SURVEY INSTRUMENT**

Mayor Muckle called for the agenda item. Public Relations Manager Muth reported the consultant on this project was not present. Mayor Muckle called the next item.

### **ORDINANCE NO. 1716, SERIES 2016 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ADD HEALTH OR ATHLETIC CLUBS, SPAS, DANCE STUDIOS AND FITNESS STUDIOS AS A LISTED USE GROUP AND SPECIFYING IN WHICH ZONE DISTRICTS THESE USES MAY BE DEVELOPED – 2nd Reading – Public Hearing**

Mayor Muckle introduced Kathleen Kelly who was filling in for Sam Light as City Attorney.

Mayor Muckle requested a City Attorney introduction.

City Attorney Kelly introduced Ordinance No. 1716, Series 2016 and noted the red line amendments to the document on second reading. If approved, the ordinance would be amended as indicated by those red lines.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planner Trice noted there was not a clear use group for health or athletic clubs, spas, dance studios and fitness studios in the current Louisville Municipal Code (LMC).

Staff recommended modifying Title 17 of the LMC in four areas to add “health or athletic clubs, spas, dance studios, and fitness related studios” as uses in the land use code and specifying where these uses may be allowed:

- 1) Section 17.12.030 – Use Groups
- 2) Section 17.14.050 – Permitted uses within the Mixed Use Zone District
- 3) Section 17.12.090 – Permitted Commercial and Office Uses in the Planned Community Zone District (PCZD)
- 4) Section 17.13.030 – Special Review Uses in the AO-T zone district

#### **Section 17.12.030 – Use Groups**

Chapter 17.12 of the LMC identifies which land uses are allowed in the City, where they can be located, and how they may fit on a specific property. Staff suggests the land use table in Section 17.12.030 be modified to add “health or athletic clubs, spas, dance studios, or yoga studios” as the 62<sup>nd</sup> use group. These uses would be permitted by right

in the Commercial Neighborhood (CN), Community Commercial (CC) and Commercial Business Zone Districts. The uses could be approved by Special Review in the Administrative Office (AO), Business Office (BO), Administrative Office Transitional (AO-T), and Industrial (I) zone districts.

Staff also recommends amending use group #9 to delete “dance,” from the Use Group description contained therein to eliminate redundancy between the two use groups.

**Section 17.14.050.A: Table 1 - Permitted uses within the Mixed Use Zone District**

Staff recommends amending Table 1 in Section 17.14.050.A of the LMC to delete the phrase “Health or athletic clubs, spas, dance studios, yoga studios” and insert in its place the phrase “Health or athletic clubs, spas, dance studios, fitness studios.”

**Section 17.72.090 – Uses in the Planned Community Zone District**

The Use Group Table in Section 17.12.030 defers to Section 17.72.090.B of the LMC to define the uses permitted in the Planned Community Zone District (PCZD). The uses that may be permitted in the PCZD – Commercial District are defined Section 17.72.090 B. This list of uses does not include fitness studios. Staff proposes adding a 23<sup>rd</sup> item to that list of uses titled “health or athletic clubs, spas, dance studios, or fitness studios”.

**Section 17.13.030 – Special Review Uses in the AO-T zone district**

The Use Group Table in Section 17.12.030 defers to Section 17.13 of the LMC to define the uses permitted by Special Review in the Administrative Office Transitional (AO-T) zone district. This list of uses does not include fitness studios either. Staff proposes adding a new item “I” to that list of uses titled “health or athletic clubs, spas, dance studios, or fitness studios”.

The Planning Commission held a public hearing January 14, 2016 and voted unanimously (7-0) to recommend the City Council approve the Ordinance amending Title 17 of the Louisville Municipal Code.

Staff recommends City Council adopt Ordinance No. 1716, Series 2016.

Mayor Muckle called for public comment and hearing none called for Council comment.

**COUNCIL COMMENT**

Council member Maloney asked where bowling and a climbing gym with no instruction would fit. Planner Trice responded they would likely be in commercial amusement.

Mayor Muckle closed the public hearing and called for comments or a motion.

**ORDINANCE NO. 1716, SERIES 2016**

MOTION: Council member Keany moved to approve Ordinance No. 1716, Series 2016 with the second reading amendments, seconded by Council member Loo. Roll call vote was taken. The motion carried 6-0. Absent: Mayor Pro Tem Lipton

### **DISCUSSION/DIRECTION/ACTION – 2016 CITIZEN SURVEY INSTRUMENT**

Mayor Muckle called for a staff presentation.

Public Relations Manager Muth noted Councilmembers Leh and Maloney have been working with staff and survey consultant, Laurie Urban with National Research Center (NRC) to draft the survey instrument for the 2016 Citizen Survey. The survey consists of questions regarding Departmental and Citywide performance issues as well as questions concerning specific policy issues. The group considered many policy questions but narrowed the list considerably to keep the survey concise while also getting the information the Council needs for decision making. The group reviewed and discussed many iterations of the survey. An updated version was given to each council member. It contained explanations from the consultant.

The survey will be mailed to 2,000 randomly selected Louisville addresses to get a statistically valid, cross section of residents. The first set of surveys should be mailed the week of March 23, 2016 and the final report and presentation to Council would be in July.

Public Relations Manager Muth noted she and Laurie Urban, the consultant, were available for questions, as well as Council member Leh and Council member Maloney.

Mayor Muckle called for public comment. Hearing none, he asked for Council comment from the council members who worked on the survey.

### **COUNCIL COMMENT**

Council member Leh noted there was more emphasis put on policy questions in this survey instrument. Council member Maloney noted this was a very collaborative process with staff. He felt the pertinent operational questions were there for trending/measurement from past surveys.

Council thanked Council members Leh and Maloney for their work. Consultant Laurie Urban noted this is a perception survey, and would record the “whats” not the “whys”. Council members discussed the survey instrument to ensure the wording of each question was crafted in a way that would garner the information they needed to make policy decisions and see the trends. Council asked the staff and Council members Leh and Maloney consider the following items and bring the instrument back for full Council review on March 18, 2016.



Question 6 – “overall performance of the Louisville Building Safety Division” – split into two questions, one for the permitting process and one for the inspection process.

Question 7 - “Maintenance of parks (maintenance, management, playgrounds, picnic areas, etc.)” Replace maintenance and management in the parenthesis, with turf grass, landscape

Add a line about maintenance of medians and street landscaping.

Question 8 – If space is available, add questions about Museum campus and programs

Question 14 – Consider language to clarify the Historic Preservation tax is existing sales tax and not a new tax

Mayor Muckle called for public comment.

#### **PUBLIC COMMENT**

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO described the trash, recycling and composting activities from his household and addressed question 13. He noted during the summer months, two weeks of composting could get very smelly. If the idea was to incentivize composting, that would be different than extending the trash pickup to every two weeks. There is no mention of cost.

John Leary, 1116 LaFarge Avenue, Louisville, CO asked that the survey the council members were working from be made available to the public since there had been revisions since the packet. He addressed question 15. He expressed concern over the use of the term “mixed use”. Mixed use describes commercial on the first floor with high density residential on the upper floors. Mixed use in Louisville became commercial next to residential. Future development would actually be high density housing and should be called such.

Sherry Sommer, 910 S. Palisade Court, Louisville, CO asked how the feedback was being used; how are the dots connected to prompt improvement. She agreed with Mr. Menaker on the trash and the cost. She felt the question was confusing because it addressed more than one thing. She wondered if the South Boulder Road infrastructure improvements were included in the priorities for City funding. She agreed with Mr. Leary’s comments on mixed use.

#### **COUNCIL COMMENT**

Council continued with the discussion of the survey and added instructions for the following questions.

Question 15 – remove “Encouraging a mix of housing, shopping and offices (mixed use) in areas of redevelopment” and replace with a question of whether there was support for higher density residential and offices as a part of redevelopment areas and/or commercially zoned property. Avoid the term mixed use. Consider rearranging the questions to add clarity. Discussion occurred on whether the word multi-family be a better choice than high density.

Question 16 – Add questions about - Maintain Open Space and maintain Parks to higher degree. Soccer facilities; turf grass fields  
Add (Sam’s club) to Facilitating the redevelopment of existing vacant commercial properties

Question 18 – The Daily Camera/Hometown News or local newspapers  
Add category to encourage sign up for email list.

The revised survey will be brought back to Council at the March 18, 2016 meeting.

**RESOLUTION NO. 13, SERIES 2016 – A RESOLUTION APPROVING THE  
9557 PARADISE LANE AMENDMENT TO THE SOUTHEAST BOULDER COUNTY,  
SOUTH 96<sup>TH</sup> STREET, DILLON ROAD AND US 287 AREA COMPREHENSIVE  
DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT**

Mayor Muckle called for a staff presentation.

Deputy City Manager Balser noted the original agreement is commonly referred to as the Northwest Parkway IGA. The Rock of Panama City, Inc. submitted an application for a site plan review to Boulder County in March of 2015 for the development of a 5,000 square foot church on land located at 9557 Paradise Road (on the northwest corner of 96<sup>th</sup> Street and Paradise Lane). The parcel in question is currently designated Rural Preservation Area located within unincorporated Boulder County and subject to the provisions of the Southeast Boulder County, South 96<sup>th</sup> Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement (IGA)/Northwest Parkway IGA. The request was placed on hold pending approval of an amendment to the IGA as the current provisions do not specially address the development of a church on the parcel. Approval of an amendment to the IGA requires consent by all parties, which include Boulder County, Broomfield, Lafayette and Louisville. Boulder County recently approved the proposed IGA amendment on February 18, 2016 and such amendment is now before the Louisville City Council for consideration.

Under the current IGA, Rural Preservation parcels allow right-of-way uses, agriculture, and low density residential development. Low density residential development for this nine-acre parcel is limited to 1 parcel per 4.5 acres provided a perpetual conservation easement with the same density allowance is secured as part of the approval process. As stated above, the current provisions of the IGA do not specifically address

development of a church on this specific parcel. The proposed IGA amendment attempts to control the development potential in a manner consistent with the intent and purposes of the original IGA.

The application to Boulder County received in March of 2015, included a site plan for development of a 5,000 square foot structure and associated parking on the parcel. The new language regarding this use states that if Boulder County finds that a proposed church at 9557 Paradise Lane meets the applicable criteria in the Boulder County Land Use Code, it may approve construction of a church, subject to the following conditions:

1. The building shall be located on the southwest corner of the parcel,
2. The building shall be oriented with its narrowest elevation facing east to preserve views through the parcel,
3. The building and site plan shall incorporate design and landscape features furthering rural and agricultural character while preserving views through the parcel,
4. The building(s) on the parcel shall not exceed 10,000 square feet in the aggregate, which is the current limit under the Code for this type of use on the parcel, while the Plan remains in effect, and
5. Upon approval of a church on this parcel, whether unincorporated or annexed, the parcel will no longer be eligible for density of 1 unit per 4.5 acres. That is, if the church is developed the parcel would no longer be eligible for residential development.

Boulder County approved the IGA amendment on February 18, 2016 and a copy of the Board of Commissioners' packet was included in the packet.

City staff recommends approval of the proposed IGA amendment as it would allow the requested use as an alternative use in a manner consistent with the Boulder County land use code and additional IGA provisions intended to mitigate the impacts of such use upon the objectives of the Plan including the rural and agricultural character of the surrounding area. The proposed amendment also specifies that upon approval of a church, the current low density residential allowed on the site of 1 unit per 4.5 acres will no longer apply, thus reducing the future development potential.

## COUNCIL QUESTIONS

Council member Loo wondered if Council would be consulted on the design. City Manager Fleming noted since the site plan will be forwarded as a referral, there would be consultation with Louisville.

Mayor Muckle called for public comment and hearing none asked for Council comment.

Mayor Muckle noted the discussion with the County called out limitations on potential development on the parcel that was originally allowed by the IGA.

**RESOLUTION NO. 13, SERIES 2016**

MOTION: Mayor Muckle moved to approve Resolution No. 13, Series 2016, seconded by Council member Stolzmann. All in favor. Absent: Mayor Pro Tem Lipton

**CITY ATTORNEY'S REPORT**

No report.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF  
FUTURE AGENDA ITEMS**

Council member Leh noted the Daily Camera reported Louisville as the third smartest city in Colorado. He reported on Saturday there would be a fund raiser for Tapestry Theater. The CenterStage Theater Company website will have information on the fundraising activities. He encouraged everyone to check out Tapestry Theater.

**ADJOURN**

MOTION: Council member Loo moved for adjournment, seconded by Council member Stolzmann. All were in favor. The meeting was adjourned at 09:45 p.m.

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Robert P. Muckle, Mayor

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Carol Hanson, Acting City Clerk